

## REMARKS

The claims are claims 1 to 6.

Claims 1, 3, 4 and 6 were rejected under 35 U.S.C. 102(e) as anticipated by Crockett U.S. Patent Application Publication No. 2004/0122663.

Claims 1 and 4 recite subject matter not anticipated by Crockett. Claims 1 and 4 recite "calculating a cross-correlation  $R[k]$  for index value  $k$  between overlapping frames for a range of overlaps between  $S_s + k_{\min}$  to  $S_s + k_{\max}$  for only a fixed length overlap region less than an entire overlapping region." The FINAL REJECTION cites paragraphs [0152] to [0157] and step 210 illustrated in Figure 5 of Crockett as making obvious calculating the cross-correlation. These paragraphs of Crockett teach unspecified optimization in determination of a common splice point for multiple input channels. This fails to make obvious calculation of a cross-correlation as recited in claims 1 and 4. These paragraphs of Crockett fail to include any mention of correlation. These paragraphs of Crockett fail to include any teaching of the recited calculating range of "a range of overlaps between  $S_s + k_{\min}$  to  $S_s + k_{\max}$ ." The unspecified optimization of Crockett is between pairs of the multiple input channels. This differs from the cross-correlation between an analysis function and a synthesis recited in claims 1 and 4. Crockett teaches using "overlapping identified regions" in determining common splice points. However, Crockett includes no teaching that the cross-correlation calculation occurs within "a fixed length overlap region" that is less than the entire overlap. Crockett fails to teach any limitation on the overlap region for calculation of a cross-correlation. Accordingly, claims 1 and 4 are allowable over Crockett.

After quoting a portion of the Applicants' arguments from the response filed October 23, 2007, the FINAL REJECTION states at page 2, line 27 to page 3, line 3:

"Examiner respectfully disagrees. Applicant states that these sections of Crockett fail to mention correlation, however, these paragraphs are directed to finding a common splice point of the signal. The system analyzes where to place this splice point. The regions are ANDed together to yield a common overlap segment. This step of analyzing determines where to place the splice between two segments (i.e. the correlation between the segments). The section also discusses identifying potential splice points, i.e. 'a range of overlaps.'"

These statements by the Examiner represent a summary of the teachings of paragraphs [0152] to [0157] of Crockett. However, the Examiner has provided no indication how these teachings of Crockett relate to the recited limitations. Crockett at paragraph [0150], lines 11 to 14 the range of overlaps refer to "overlapping identified regions." Crockett defines such identified regions in paragraph [0011], which states:

"[0011] According to still yet a further aspect of the invention, the psychoacoustic criteria include one or more of the following: (1) the identified region of the audio signal is substantially premasked or postmasked as the result of a transient, (2) the identified region of the audio signal is substantially inaudible, (3) the identified region of the audio signal is predominantly at high frequencies, and (4) the identified region of the audio is a quieter portion of a segment of the audio signal in which a portion or portions of the segment preceding and/or following the region is louder. Some basic principles of psychoacoustic masking are discussed below."

The ANDing of such identified regions taught in paragraph [0152] would result in "overlapping identified regions" including all locations where any channel signal met the four criteria of paragraph [0011]. This AND of all identified regions thus cannot

anticipate "a fixed length overlap region less than an entire overlapping region" as recited in claims 1 and 4. The Applicants respectfully submit that the cited portions of Crockett teach a process unrelated to the claimed limitation. Accordingly, claims 1 and 4 are allowable over Crockett.

Claims 3 and 6 recite subject matter not anticipated by Crockett. Claims 3 and 6 recite the cross-correlation calculation employs "only a center half of the overlap region for  $k = 0$ ." The FINAL REJECTION cites paragraphs [0152] to [0157] and [0252] of Crockett as anticipating this limitation. Paragraphs [0152] to [0157] of Crockett teach selecting a common multichannel splice point considering "overlapping identified regions" between the channels. This teaching of Crockett fails to limit consideration to the "center half of the overlap region" as recited in claims 3 and 6. Crockett states at paragraph [0252]:

"[0252] The value of the correlation function at its maximum between the minimum and maximum end points determines how similar the splice point is to the optimum end point for the particular splice point. In order to optimize the splice point/end point pair (rather than merely optimizing the end point for a particular splice point), a series of correlations are computed by choosing other  $T_c$  sample splice point regions each located  $N$  samples to the right of the previous region and by recomputing the correlation function as shown in FIG. 28."

This paragraph of Crockett refers to the "value of the correlation function at its maximum between the minimum and maximum end points." This implies that the correlation is calculated for all points between "the minimum and maximum end points." This teaching contradicts the recitations of base claims 1 and 4 of calculating a cross-correlation "for only a fixed length overlap region less than an entire overlapping region." The recitation of "choosing other  $T_c$  sample splice point regions each located  $N$  samples to the right of the previous region" fails to teach the claimed "only a center

half of the overlap region for  $k = 0$ " recited in claims 3 and 6. Accordingly, claims 3 and 6 are allowable over Crockett.

After quoting a portion of the Applicants' arguments from the response filed October 23, 2007, the FINAL REJECTION states at page 3, lines 15 to 17:

"Examiner respectfully disagrees. Para 252 teaches that the splice point is selcted (sic) to be the optimum end point. This end point could fall within any area of the segment, one of which area being the center region, as claimed in claim 3."

These statements by the Examiner represent a misunderstanding of the limitation recited in claims 3 and 6. This limitation does not recite where the selected value of  $K$  "yielding the greatest cross-correlation" will occur. This limitation of claims 3 and 6 limits the overlap region where the correlation calculation takes place. Thus the Examiner's argument that the "end point could fall within any area of the segment, one of which area being the center region" is not in the same field as the limitation of claims 3 and 6. An argument that the end point may be within the center region, fails to make obvious the recitation of claims 3 and 6 that the correlation calculation takes place "only a center half of the overlap region for  $k = 0$ ." Accordingly, claims 3 and 6 are allowable over Crockett.

The FINAL REJECTION states that claims 2 and 5 would be allowable if rewritten in independent form. Claims 2 and 5 have been so amended and are therefore allowable.

The Applicants respectfully request entry and consideration of this amendment. Entry of this amendment is proper at this time because the amendment serves only to clarify subject matter previously recited. Thus no new search or reconsideration is required.

The Applicants respectfully submit that all the present claims are allowable for the reasons set forth above. Therefore early entry of this amendment, reconsideration and advance to issue are respectfully requested.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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